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10/02/2003

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EXAMINER

SRIVASTAVA, VIVEK

ART UNIT	PAPER NUMBER
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2611

18

DATE MAILED: 10/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/363,073

Applicant(s)

AKHAVAN ET AL.

Examiner

Vivek Srivastava

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 20-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 20-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

Detailed Action

Response to Arguments

Applicant argues, with respect to claim 20, that the user can select any one of the optional displays of the first panel, the second panel, and the simultaneous display of the first and second panels and respectfully requests withdrawal of the rejection.

The Examiner respectfully submits that amending the claim to recite one of (i) a first panel; (ii) a second panel and (iii) a first panel and a second panel... still places the claim in the alternative, or other words, the reference needs to teach either (i) a first panel; (ii) a second panel and (iii) a first panel and second panel... to meet the claimed limitation. Since Noguchi teaches the claimed limitation, Applicant's arguments are not persuasive

Applicant argues that neither Schien nor Lemmons teach or suggest the amended claim limitations, in particular, the relationship between the first and second times and the third and fourth times and the time ranges associated with the first and second panels.

The Examiner concurs with Applicants that Schien fails to disclose the claimed second time. Schein discloses and EPG with a time range from 7:00 pm to 8:00 pm, and as a result, displays only two times, 7:00 pm and 7:30 pm as depicted in figure 7. Although the second time 7:30 pm is earlier than the end of time range of 8:00 pm, Schein fails to disclose "selecting a second record in response to a third signal from the user interface, wherein said second record has an associated time and an associated

Art Unit: 2611

channel, where the associated time of said second record is one of a time later than said second time and a time earlier than said first time". Since Schein only displays programming from 7:00 pm to 8:00 pm, the second record, i.e. Friends (see fig 7) has a time range 7:30 to 8:00 pm which has an associated time range which includes the second time. However, it would have been obvious to modify Schein to include an EPG with a time range greater than 1 hour, i.e. 1 ½ hrs, as depicted in Lemmons figure 6, to display a first time 1:00 pm and second time 1:30 pm, which is later than the first time, and a second record which has a time range 2:00 pm to 2:30 pm which is later than the second time to enable displaying more programming by displaying a wider time range.

Claim Rejections - 35 U.S.C. § 102

I. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

II. Claims 20 - 25 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Noguchi et al (6,034,677).

Considering claim 20, Noguchi discloses a displaying EPG programming information (fig 13) and displaying a broadcast video 1310 in display portion 1320 (see fig 13, col 8 lines 63-67), note: the broadcasted video is inherently comprises of a plurality of frames. Further, Noguchi

Art Unit: 2611

discloses simultaneously with video 1310 the display of EPG panel or first panel (see EPG programming on lower half of screen in fig 13) and a second panel or a descriptive panel (see upper right panel in fig 13) which depicts details of the program including station and time range 1356 which meets the claimed "displaying simultaneously with said video, at the selection of a user, and selected one of (i) a first panel; (ii) a second panel and (iii) a first panel and second panel". A user interface (see remote control in fig 4) is provided with a "guide" key enabling selection and display of the EPG screen in figure 13. The first panel in Noguchi has an associated time range (see fig 13 - 7:07 pm, 7:00 pm, 7:30 pm and 8:00 pm) and an associated channel range of 256, 212, 233, 202, and 980 (see fig 13) and a plurality of program blocks 1380 (see col 13 lines 33-40, the blocks meet the "records" limitation) wherein each of the blocks has an associated time period, an associated channel and program content information including a program title. In particular, block 1380 in figure 13 depicts 'National Geographic Explorer' (or program content information), as associated time range of 7:00 pm to 8:00 pm and associated channel 233. The second or descriptive panel in Noguchi (panel on the upper left corner of fig 13) has information from only one block or record, in particular, information regarding 'National Geographic Explorer'. Further, by user the remote control and navigational keys depicted in figure 13, the first panel or EPG grid and second panel or detailed description of the programming can be selectively browsable to different time or channel ranges in response to a second signal from a user interface.

Considering claim 21, Noguchi discloses an EPG which shows the associated time periods, associated channels and the program titles of the plurality of records over the associated time and channel ranges (see fig 13, 15, 20). Note: the associated time periods are arranged on the horizontal axis above the EPG grid and the associated channels are located

Art Unit: 2611

along the vertical axis to the right of the EPG grid. The plurality of records are met by the blocks and cells of the EPG grid each of which has an associated time and channel.

Considering claim 22, Noguchi discloses a second panel which is located in the upper right side in figure 13. The second panel depicts program content with respect to National Geographic Explorer.

Considering claim 23, Noguchi discloses the claimed where the first panel is an EPG grid over associated time and channel ranges, wherein the EPG grid contains a plurality of cells, each cell displays an associated program title of a record and occupies a position on the grid that corresponds with the channel time period associated with the record (see fig 13, col 9 lines 5-34).

Considering claim 24, Noguchi discloses a second or descriptive panel which is displayed when a user selects a record displayed in the first panel (see fig 13). In particular, as a the user navigates and selects records, like the National Geographic Explorer record in the EPG grid, the associated descriptive information is displayed in the second panel (panel in the upper right of figure 13).

Considering claim 25, the second panel (locate in the upper right side of fig 3) displays details of the National Geographic Explorer associated with the record selected (item 1380 in fig 13) in the EPG grid.

Considering claim 27, Noguchi depicts in fig 8 that the second panel 830 overlaps with the video 840 and thus discloses the claimed "where the video and second panel have overlapping dimensions on the display".

Art Unit: 2611

III. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

IV. Claims 1-5, 7, 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein (6,151,059) in view of Lemmons et al (6,266,814).

Regarding claim 1, Schein discloses displaying a video, comprising a plurality of frames, on a portion of a display (col 4 lines 53 - 59, fig 1 and fig 7), displaying a first panel (col 4 lines 20 - 30, fig 1, fig 7, panel met by program matrix grid 108) in response to a first signal from a user interface (col 10 lines 52 - 61, col 11 line 44 - col 12 line 36, user interface met by remote control), first panel being displayed on another portion of the display simultaneously with video (fig 7), first panel containing information from at least one of a plurality of records (col 4 lines 19 - 30, fig 7, plurality of records met by cells which make up a particular program), records containing programming information (fig 7 - cells in grid contain television programs), each of the records having an associated time and an associated channel (fig 7 - each cell has an associated channel and time i.e. 7:00 pm, 7:30 pm), first panel displaying on display an associated time range from a first time to a second time and associated range of channels (fig 7 - program matrix grid has a time range from first time 7:00 pm to second time 7:30 pm and range of channels 4 - 11); note 7:00 pm is the earliest time displayed and 8:00 pm is the latest time displayed, selecting a first icon in response to a second signal from a user interface (col 11 line 45 - col 12 line 36, user scrolls and selects right zone icon 230). Schein further discloses selecting records including a first record by scrolling horizontally and through the cells (see col 3

Art Unit: 2611

lines 61 – col 4 line 19). Schein also discloses displaying simultaneously with video a second panel (fig 7, col 11 lines 46 - 57, when user scrolls right zone 230, another panel or grid is displayed with video), second panel having an associated time range that is different than the associated time range of the first panel (fig 7, col 11 lines 46 - 57, when user scrolls right zone 230, another panel or grid is displayed, displaying programs half-hour later i.e. with a different time range 7:30 pm - 8:00 pm), the second panel having an associated range of channels that is the same as the associated range of channels of the first panel (fig 7, col 11 lines 46 - 57, when user scrolls right zone 230 to display future programs in a different time range, channels must inherently remain the same so the user can see the future programs on the particular channel after scrolling and since the user is scrolling to the right and not scrolling down). Further, by selecting the right zone scroll in Schein the EPG is advanced or scrolled in chronological time by $\frac{1}{2}$ hr (see col 11 lines 48-57), thus if a first panel displaying a time range of 7:00 pm and including 7:30 pm (see fig 7) is scrolled in the $\frac{1}{2}$ hr in chronological time, the new second panel will display a time range starting at 7:30 pm and will include 8:00 pm, note: 7:30 is the earliest time displayed and 8:00 pm is the latest time displayed.

Schein discloses advancing the EPG is chronological time, thus displaying a EPG grid with a different time range, by selecting an icon in response to signals from a user remote. Referring to figure 7, when a user selects icon 230, the time panel changes by advancing in chronological time by 1 hour by displaying programming and records which are in a different associated time range i.e. from 8:00 pm to 8:30 pm. Thus everytime a user selects time bar 230, the EPG advances 1 hour showing panels and records with a different associated time range with each selection. Schein fails to disclose selecting a second record in response to a third signal from a user interface, where second record has an associated time and an

Art Unit: 2611

associated channel, where associated time of second record is outside of associated time range and in response to selecting a second record, displaying with video a second panel.

Lemmons teaches advancing an EPG in chronological time by actively selecting a record, wherein each time a user selects a record by depressing a right arrow key, the EPG advances in chronological time thus changing the associated time of the record. Lemmons specifically teaches by continuously pressing the right arrow key on the user interface (i.e. generating a first signal, second signal etc.) additional program titles for later time periods can be displayed (col 21 lines 52 - 67). As later time records and panels are displayed, the associated time range changes.

It would have been obvious selecting the actual record by generating a first signal, second signal etc. in the EPG of Schein would have provided a simpler means for advancing the EPG in chronological time to show panels and records with different time ranges and would have obviated the need for special icon 230 for advancing the EPG. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Schein to include selecting the first and second record as claimed to provide a simpler EPG system which does not need a special icon to advance the EPG.

Since Schein only displays programming from 7:00 pm to 8:00 pm, the second record, i.e. Friends (see fig 7) has a time range 7:30 to 8:00 pm which has an associated time range which includes the second time. Schein fails to disclose "selecting a second record in response to a third signal from the user interface, wherein said second record has an associated time and an associated channel, where the associated time of said second record is one of a time later than said second time and a time earlier than said first time" and the claimed "second panel having an associated range of channels of first panel and an associated time range extending from a third

Art Unit: 2611

time to incrementally later than a fourth time, said third and fourth times both being times that are respectively, one of later times than second time”.

However, it would have been obvious to modify Schein to include an EPG with a time range greater than 1 hour, i.e. 1 ½ hrs, as depicted in Lemmons figure 6, to display a first time 1:00 pm and second time 1:30 pm, which is later than the first time, and a second record which has a time range 2:00 pm to 2:30 pm which is later than the second time to enable displaying more programming by displaying a wider time range. Therefore, it would have been obvious to modify Schein to include the claimed limitations to provide displaying more programming on the same EPG grid by displaying programming for a wider time range.

Considering claim 2, the combination of Schein and Lemmons discloses the claimed wherein by modifying Schein from the teachings of Lemmons in claim 1 to include a wider time range of 1 ½ hrs, a first panel in Schein fig 7 would have a time range from 7:00 pm to 8:30, which has a first time of 7:00 pm, a second time of 7:30 pm, and end time of 8:30 which is incrementally later than the second time. Further, by scrolling the EPG ½ hr would provide a third time of 7:30 pm and a fourth time of 8:00 pm and an end time of 9:00 pm which would be incrementally later than the fourth time.

the associated time range from the first time to the second time encompasses the entire first panel and the associated time range from the third time to the fourth time encompasses the entire second panel (note: the first panel has a time range from 7:00

Art Unit: 2611

pm to 7:30 and the second panel has time range from 7:30 to 8:00 pm as discussed in claim 1).

Considering claim 3, Schein discloses the claimed first and second panels are EPG grids (fig 7, col 11 lines 49 - 57, second panel matrix grid is displayed when user scrolls right zone 230 to view later programs displaying a different panel with respect to programs and program times) , each EPG grid containing a plurality of cells (fig 7), and cells containing information from records (fig 7, cells contain program records).

Considering claim 4, Schein discloses inherently discloses the claimed first panel is removed from the display before the second panel is displayed since a second panel can only be viewed if the first panel is removed (fig 11, fig 12, col 11 line 66 - col 12 line 36).

Considering claim 5, Schein discloses the step of displaying at least one of another information banner and another EPG grid (fig 11, fig 12, col 11 line 45 - col 12 line 36, user can scroll another half hour to display an EPG grid or can select another banner for another show at another time).

Considering claim 7, Schein discloses wherein the records are digitally transmitted with the video (col 10 lines 4 - 14, col 5 lines 7 - 17).

Considering claim 8, Schein discloses a remote control for a television (col 3 line 56 - col 4 line 4).

Considering claim 10, Schein discloses programming a video recorder to record the selected record (col 5 lines 59 - 63, col 10 lines 62 - 67, col 13 lines 13 - 63).

Art Unit: 2611

V. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schein in view of Lemmons as applied to claim 1 above, and further in view of Doherty et al (5,999,227).

Considering claim 6, Schein and Lemmons fail to disclose the claimed display is a digital television. Doherty teaches a digital television has several advantages including the reduction of artifacts, increases resolution, and better overall clarity (col 1 lines 14 - 19). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify the combination of Schein and Lemmons to include a digital television to provide a better quality displayed image.

VI. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schein in view of Lemmons as applied to claim 1 above, and further in view of Berezowski (6,064,376).

Considering claim 9, Schein and Lemmons fail to disclose the claimed wherein each of first and second panels comprise a minor portion of the display.

Schein discloses displaying a program guide panel and a video simultaneously. Berezowski teaches a need may arise to display a large video with a minor portion of the display dedicated to a program guide panel and that displaying a larger image avoids distortion due to compression (col 6 lines 50 - 55, col 7 lines 18 - 48). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify the combination of Schein and Lemmons to include

• Art Unit: 2611

displaying the first and second panel on a minor portion of the display to provide a larger image with less distortion due to compression.

VII. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Noguchi et al (6,034,677).

Considering claim 26, Noguchi discloses the video and second panel have overlapping dimensions (see figure 8) noting that second panel obscures the view of the video. It would have been obvious including the first and second panel with overlapping displays would have provided a more prominent display of the panel the viewer chooses to view. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the claimed first and second panel with overlapping dimensions to provide a more prominent display of the panel the viewer chooses to view by placing the selected panel on top of the other.

VIII. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Noguchi in view of Matthews, III et al (previously cited).

Considering claim 28, Noguchi discloses two separate panels but fails to disclose the panels are simultaneously displayed and independently browsable. Matthews discloses a two panels on an EPG screen (see fig 7), wherein one panel is a descriptive panel and the second panel is the EPG grid. Matthews teaches the descriptive panel is browsable by selecting "MORE" and that the EPG is browsable by moving the cursor which highlights cells. It would have been obvious providing a browsable second panel

• Art Unit: 2611

in the descriptive panel in Noguchi would have provided a user with even further information of description of a program and would have provided additional navigational capabilities. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the claimed limitations to provide a user with the ability to retrieve additional information in the second panel while providing additional navigational capabilities by being able to browse the second panel independent of the first panel.

Conclusion

IX. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Young et al (5,353,121) - television schedule system

Bedard (5,801,747) - creating a television viewer profile

Lemmons et al (5,880,768) - interactive program guide

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Art Unit: 2611

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Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Vivek Srivastava whose telephone number is (703) 305
- 4038. The examiner can normally be reached on Monday - Thursday from 8:00 am to
5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Andy Faile, can be reached at (703) 305 - 4380.

Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the group receptionist whose telephone number is
(703) 305 - 3900.

VS 9/28/03



VIVEK SRIVASTAVA
PRIMARY EXAMINER